IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

AMY M. BLACK,)	
SSN XXX-XX-3465,)	
Plaintiff,)	
vs.)	
)	
JO ANNE B. BARNHART, Commissioner)	
Social Security Administration,)	Case No. 05-CV-112-PJC
Defendant.)	

ORDER

Before the Court is Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act [Dkt. # 26]. Defendant has no objection to the motion. The Court, having reviewed Plaintiff's motion, and based upon the presentations of counsel, FINDS that Plaintiff's motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that Plaintiff's counsel, Timothy M. White, shall be awarded an attorney fee in the amount of \$4290.10, pursuant to the Equal Access to Justice Act, 28 USC §2412(d).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986), if attorney fees are also awarded under 42 USC §406(b)(1) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff.

DATED, this 6th day of November, 2006.

Paul J. Cleary

United State Magistrate Judge